

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

IN RE: MATTHEW CASCIANI
KRISTIN MELISSA CASCIANI,

Debtors.

CASE NO: 09-71991
Chapter 7

NOTICE AND MOTION TO APPROVE SALE OF REAL PROPERTY

Matthew Casciani and Kristin Melissa Casciani have filed papers with the court to Sell Real Property.

Your rights may be affected. You should read these papers carefully and discuss them with your Attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to grant the relief sought in the motion, then on or before 6/27/12, you or your attorney must: File with the court, at the address below, a written request for hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
Eastern District of Virginia
Norfolk Division
600 Granby Street
Norfolk, VA 23510

You must also mail a copy to:

Hampton Roads Legal Services
2624 Southern Blvd. Suite 101 and
Virginia Beach, VA 23452

Matthew Casciani
Kristin Melissa Casciani
1233 Heathcliff Drive
Virginia Beach, VA 23464

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Edrie A. Pfeiffer, Esquire
Counsel for the Debtors
2624 Southern Blvd. Suite 101
Virginia Beach, VA 23452
(757)340-3100
VSB 41791
admin@hamptonroadslegal.com

MOTION TO APPROVE SALE OF REAL PROPERTY

COMES NOW, Matthew Casciani and Kristin Melissa Casciani by counsel, and applies the Court for authority to sell the Estate's interest in certain real property, as set forth below, and in support thereof, states as follows:

1. That this case commenced upon the filing of a Voluntary Petition for Bankruptcy under Chapter 13 of Title 11 of the United States Bankruptcy Code in this Court on May 14, 2009. The case was converted to one under Chapter 7 of Title 11 on or about January 9, 2012. An Order for Relief of that date was entered by the Court.

2. That among the assets of the Estate, listed herein, are certain real property located in the City of Virginia Beach, Virginia. Said property is located 1322 W. Orlando Street, Broken Arrow OK 74011. Further described as:

Lot 1, Block Three, Silvertree, Broken Arrow, Oklahoma

3. That the client has secured an offer to purchase the Estate's interest in the subject property for the sum of \$100,000.00, which is, in the opinion of Counsel a fair offer, indicative of the Estate's portion of the equity available out of the property.

4. That the Debtors propose to use approximately \$72,001.58 of the net proceeds of the sale to satisfy the First Deed of Trust in favor of Seterus Mortgage, which has a payoff balance of approximately \$72,001.58.

5. That the Debtors propose to use approximately \$9,671.69 of the net proceeds of the sale to satisfy the Second Deed of Trust in favor of Seterus Mortgage, which has a payoff balance of approximately \$9,671.69.

6. That the associated Closing costs are approximately \$13,814.00, including \$570.00 to pay all outstanding Utilities, Taxes and Fees.

6. That Edrie A. Pfeiffer is entitled to fees in the amount of \$500.00 for the filing of this Motion and entry of a subsequent Order, which should also be paid out at closing.

7. That the Debtors would retain approximately \$4012.73, which amount has been claimed exempt, after all liens, associated closing costs and payment to the Plan.

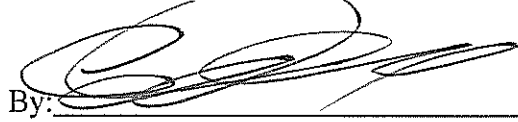
Edrie A. Pfeiffer, Esquire
Counsel for the Debtors
2624 Southern Blvd. Suite 101
Virginia Beach, VA 23452
(757)340-3100
VSB 41791
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9. That the expected Closing date is set for June 29, 2012.

10. That no creditor or party in interest will be adversely affected if the relief requested herein is granted.

WHEREFORE, the Debtors pray for the entry of an Order authorizing them to sell the real property aforesaid upon the terms and conditions set forth above, and for such other reasonable and equitable relief as the Court deems appropriate.

MATTHEW CASCIANI
KRISTIN MELISSA CASCIANI

By: 
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing proposed Motion was mailed to or electronically served upon the Debtors, Trustee, United States Trustee, and all creditors and parties in interest at their respective addresses on the attached Service List on June 6, 2012.


EDRIE A. PFEIFFER

A. Settlement Statement

U.S. Department of Housing
and Urban Development

OMB No. 2502-0265

B. Type of Loan				6. File Number 23265J		7. Loan Number		8. Mortgage Ins Case Number	
1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FmHA 3. <input type="checkbox"/> Conv Unins 4. <input type="checkbox"/> VA 5. <input type="checkbox"/> Conv Ins. 6. <input type="checkbox"/> Seller Finance									
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.									
D. Name & Address of Borrower Jacob Moore				E. Name & Address of Seller Matthew Casciani			F. Name & Address of Lender		
G. Property Location SILVERTREE, Block 3, Lot 1, Tulsa County 1322 West Orlando Street Broken Arrow, OK				H. Settlement Agent Name Guaranty Abstract Company 320 S. Boulder Avenue Tulsa, OK 74103 Tax ID: 73-0267020 Underwritten By: Lawyers					
				I. Settlement Date 5/18/2012 Fund:					
J. Summary of Borrower's Transaction					K. Summary of Seller's Transaction				
100. Gross Amount Due from Borrower					400. Gross Amount Due to Seller				
101. Contract Sales Price					401. Contract Sales Price \$100,000.00				
102. Personal Property					402. Personal Property				
103. Settlement Charges to borrower					403.				
104.					404.				
105.					405.				
Adjustments for items paid by seller in advance					Adjustments for items paid by seller in advance				
106. County Property Taxes					406. County Property Taxes				
107.					407.				
108.					408.				
109.					409.				
110.					410.				
111.					411.				
112.					412.				
113.					413.				
114.					414.				
115.					415.				
116.					416.				
120. Gross Amount Due From Borrower					420. Gross Amount Due to Seller \$100,000.00				
200. Amounts Paid By Or in Behalf Of Borrower					500. Reductions in Amount Due to Seller				
201. Deposit or earnest money					501. Excess Deposit				
202. Principal amount of new loan(s)					502. Settlement Charges to Seller (line 1400) \$10,690.00				
203. Existing loan(s) taken subject to					503. Existing Loan(s) Taken Subject to				
204. Loan Amount 2nd Lien					504. Payoff of first mortgage loan \$72001.69				
205.					505. Payoff of second mortgage loan \$9,671.69				
206.					506.				
207.					507.				
208.					508.				
209.					509.				
Adjustments for items unpaid by seller					Adjustments for items unpaid by seller				
210. County Property Taxes 01/01/12 thru 05/18/12					510. County Property Taxes 01/01/12 thru 05/18/12 \$527.90				
211.					511.				
212.					512.				
213.					513.				
214.					514.				
215.					515.				
216.					516.				
217.					517.				
218.					518.				
219.					519.				
220. Total Paid By/For Borrower					520. Total Reduction Amount Due Seller \$11,217.90				
300. Cash At Settlement From/To Borrower					600. Cash At Settlement To/From Seller				
301. Gross Amount due from borrower (line 120)					601. Gross Amount due to seller (line 420) \$100,000.00				
302. Less amounts paid by/for borrower (line 220)					602. Less reductions in amt. due seller (line 520) \$11,217.90				
303. Cash From Borrower					603. Cash To Seller \$88,782.10				

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper. The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality.

Less Mortgage Payoff

File No. 232651

L. Settlement Charges				Paid From	Paid From
700. Total Sales/Broker's Commission based on price \$100,000.00 @7 % = \$7,000.00				Borrower's	Seller's
Division of Commission (line 700) as follows:				Funds at	Funds at
				Settlement	Settlement
701. \$4,000.00	to	Accent Realtors			\$7,000.00
702. \$3,000.00	to	Orlando & Associates Realtors			\$395.00
703. Commission Paid at Settlement					
704. Contract Management Fee	to	Accent Realtors			
705. Broker Closer Fee	to				
800. Items Payable in Connection with Loan					
801. Loan Origination Fee %	to				
802. Loan Discount %	to				
803. Appraisal Fee	to				
804. Credit Report	to				
805. Lender's Inspection Fee	to				
806. Mortgage Insurance Application	to				
807. Assumption Fee	to				
808. Tax Service Fee	to				
809. Flood Certificate Fee	to				
810. Processing Fee	to				
811. Underwriting Fee	to				
812. Funding Fee	to				
813. Broker Fee	to				
814. Administration Fee	to				
815. Document Preparation Fee	to				
816. Lender's Inspection Fee	to				
900. Items Required by Lender To Be Paid in Advance					
901. Interest from 5/18/2012 to 6/1/2012 @ \$0/day					
902. Mortgage Insurance Premium for months	to				
903. Hazard Insurance Premium for years	to				
1000. Reserves Deposited With Lender					
1001. Hazard insurance	months @	per month			
1002. Mortgage insurance	months @	per month			
1003. County Property Taxes	months @	per month			
1004. HOA Dues	months @	per month			
1005. Other Taxes	months @	per month			
1006.	months @	per month			
1007.	months @	per month			
1008.	months @	per month			
1011. Aggregate Adjustment					
1100. Title Charges					
1101. Settlement or closing fee	to				\$705.00
1102. Abstract or title search	to	Guaranty Abstract Company			
1103. Title examination	to				
1104. Seller's Closing Fee	to	Guaranty Abstract Company			\$350.00
1105. Document preparation	to	Guaranty Abstract Company			\$75.00
1106. Notary fees	to				
1107. Attorney's fees	to				
(includes above items numbers:)					
1108. Title insurance	to				
(includes above items numbers:)					
1109. Lender's coverage \$0.00 Premium \$0.00					
1110. Owner's coverage \$100,000.00 Premium \$0.00					
1111. Final GAP Search	to	Guaranty Abstract Company			\$35.00
1112. Final Title Report	to				
1113. Shipping/Storage Fee	to				
1114. Buyer's Name Check	to				
1115. Special Assessment Letter	to	Guaranty Abstract Company			\$25.00
1116. UCC Search	to	Guaranty Abstract Company			\$85.00
1117. Payoff Delivery	to	Guaranty Abstract Company			\$35.00
1118. Wire Fee	to				
1119. Title Insurance Binder	to				
1200. Government Recording and Transfer Charges					
1201. Recording Fees Deed ; Mortgage ; Rel \$15.00		to Guaranty Abstract Company			\$15.00
1202. City/county tax/stamps Deed ; Mortgage		to Tulsa County Treasurer			
1203. State tax/stamps Deed \$150.00 ; Mortgage		to Guaranty Abstract Company			\$150.00
1204. Mortgage Certification Fee	to	Tulsa County Treasurer			
1205. Courier/Messenger Fee	to				
1300. Additional Settlement Charges					
1301. Survey	to	White Surveying Co.			\$300.00
1302. Pest Inspection	to				
1303. EMP Inspection	to				
1304. Structural Fee	to				
1305. FHA Non-Allowable Costs	to				\$120.00
1306. Repairs, per contract	to				\$1,000.00
1307. Legal Fees	to	Hampton Roads Legal Services			\$500.00
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)					\$10,690.00

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Kristin Melissa Casciani
PO Box 64875
Virginia Beach, VA 23467

Office of the U.S. Trustee
Federal Building Room 628
200 Granby Street
Norfolk, VA 23510

Equifax Credit
Information Services, Inc
P.O. Box 740241
Atlanta, GA 30374

TransUnion Consumer Solutions
PO Box 2000
Crum Lynne, PA 19022

ChexSystems
Attn: Consumer Relations
7805 Hudson Rd., Ste. 100
Saint Paul, MN 55125

TeleCheck Services, Inc.
5251 Westheimer
Houston, TE 77056

Recovery Management Systems Corp
25 SE 2nd Avenue, Ste 1120
Miami, FL 33131-1605

NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19044

Internal Revenue Service
400 N 8th Street Box 76
Richmond, VA 23219

Virginia Dept of Taxation
Office of Customer Services
Post Office Box 2156
Richmond, VA 23218-2156

Experian
701 Experian Parkway
Allen, TX 75013

ADT
P. O. Box 650485
Dallas, TX 75265-0484

Barclays Bank Delaware
Attention: Customer Support Department
Po Box 8833
Wilmington, DE 19899

Bb&t
P O Box 2027
Greenville, SC 29602

Capital 1 Bank
Attn: C/O TSYS Debt Management
Po Box 5155
Norcross, GA 30091

Chase
Attn: Bankruptcy Dept
Po Box 100018
Kennesaw, GA 30156

Chase - Cc
Attention: Bankruptcy Department
Po Box 15298
Wilmington, DE 19850

Chase Bank
PO Box 15153
Wilmington, DE 19886

Citi
Attn: Centralized Bankruptcy
Po Box 20507
Kansas City, MO 64915

Countrywide Home Lending
Attention: Bankruptcy SV-314B
Po Box 5170
Simi Valley, CA 93062

Deborah S. Kirkpatrick, Esq.
P. O. Box 10275
Virginia Beach, VA 23450-0275

Discover Fin Svcs Llc
Po Box 15316
Wilmington, DE 19850

Discover Personal Loan
Po Box 30954
Salt Lake City, UT 84130

ECast Settlement Corp
P.O. Box 35480
Newark, NJ 07193

Guaranty Abstract Co
2705 E. 21st St.
Tulsa, OK 74114

Paul Wheeler
Accent Realtors
4625 S. Harvard Avenue
Tulsa, OK 74135

Samuel I. White, PC
5040 Corporate Woods Drive
Suite 120
Virginia Beach, VA 23462

Seterus (Succesor to SunTrust)
14523 Millikan Way
Suite 200
Beaverton, OR 97005

Suntrust Mortgage/cc 5
Attention: RVW3034
1001 Semmes Ave
Richmond, VA 23224